Supreme Court, U.S.
FILED

(1)

No. 051133 DEC 27 2005

In the Supreme Court of the United States OFFICE OF THE CLERK

WEST PLAINS GRAIN, INC., d/b/a AMIGO FEEDERS,

Petitioner,

v.

CANADIAN RIVER LAND & CATTLE, INC., et al.,

Respondent.

v.

METROPOLITAN LIFE INSURANCE COMPANY, UNITED STATES OF AMERICA, ACTING THROUGH THE FARM SERVICE AGENCY, GOLD BANK, N.A., FIRST CAPITAL BANK, GUTHRIE, OKLAHOMA, BANKONE, N.A., CHERRYL LOVEJOY, DAVID JENSEN, ALLAN JENSEN BILL JENSEN, MILDRED JENSEN, DIANE MOORE FKA DIANE JENSEN,

Defendants/Appellees,

and

BRITTON ROAD SAND & GRAVEL, L.L.C. AND BRITTON AG PRODUCTS, L.L.C.,

Additional Defendants/Appellees.

PETITION FOR WRIT OF CERTIORARI

ON PETITION FOR WRIT OF CERTIORARI TO THE OKLAHOMA SUPREME COURT

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QUESTIONS PRESENTED

1. Whether the Oklahoma Supreme Court committed error when it refused to grant review of the decision of the Oklahoma Court of Civil Appeals holding that no consideration should be given to the decision of the Western District of Oklahoma finding that the documents underlying the foreclosure of Petitioner Canadian River Land & Cattle, Inc. were invalid, in violation of the Full Faith and Credit clause of the United States Constitution?

2. Whether the foreclosure proceeding undertaken against Canadian River Land & Cattle, Inc., violated principles of Due Process?

PARTIES

The parties to the action are:

West Plains Grain, Inc., d/b/a Amigo Feeders,
Canadian River Land & Cattle, Inc.,
Britton Road Sand & Gravel L[illegible]
Britton Ag Products LLC
Metropolitan Life Insurance Company
United States of America, acting through the Farm Service Agency,
Gold Bank, N.A., and
First Capital Bank, Guthrie, Oklahoma
BankOne, N.A.
Cherryl Lovejoy
David Jensen
Allan Jensen
Bill Jensen
Mildred Jensen
Diane Moore f/k/a Diane Jensen

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PROPOSITION II ..... -17-

THE APPRAISAL CONDUCTED IN THIS CASE DID NOT COMPLY WITH DUE PROCESS. THE DECISIONS OF THE OKLAHOMA COURTS VIOLATE THE LAWS OF THE UNITED STATES. -17-

PROPOSITION III ..... -24-

THE SALE MUST BE SET ASIDE BECAUSE THE SALE PRICE WAS BELOW THAT REQUIRED BY OKLAHOMA LAW.-24-

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TABLE OF AUTHORITIES

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CITATIONS OF THE OPINIONS AND ORDERS ENTERED IN THE CASE

1. On May 27, 2005, the Oklahoma Court of Civil Appeals affirmed the decision entered by the Oklahoma County Court.

2. No petition for rehearing was filed

3. A Petition for Certiorari in the Oklahoma Supreme Court was denied on September 27, 2005

JURISDICTIONAL STATEMENT

Petitioner seeks review of the decision rendered on May 27, 2005 by the Oklahoma Court of Civil Appeals. No petition for rehearing was filed in the case, however, Petitioner sought Certiorari in the Oklahoma Supreme Court. That petition was denied on September 27, 2005, thus the time to file this Petition began to run on September 28, 2005. No extension to file for a writ of certiorari has been sought in this case. Jurisdiction is proper pursuant to Supreme Court Rule 10 (a), which allows the Court to assume jurisdiction in a case where "a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power...".

STATUTORY PROVISIONS AT ISSUE

The Full Faith and Credit Clause provides that: Full Faith and Credit shall be given in every State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings may be proved, and the Effect thereof. U.S. Const., Art. IV, § 1.

The Full Faith and Credit statute provides in relevant part that:

Such Acts, records and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken.
28 U.S.C. § 1738.

Fifth Amendment to the United States Constitution:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.